

## REMARKS

Claims 1-35 are pending in the application. Applicant respectfully requests reconsideration in view of the amendment and remarks submitted herewith.

The Examiner has objected to the drawings under 37 CFR 1.84(p)(5) because they include reference signs 1 and 8 that were not mentioned in the description. The Applicant has amended the specification to add reference signs 1 and 8 in the description. Applicant respectfully requests the Examiner withdraw these objections.

The Examiner rejected claims 1-35 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the Examiner asserts that the claim language is generally narrative and indefinite for failing to conform with current U.S. practice. Applicant respectfully traverses. Applicant disagrees that the claim language is generally narrative and indefinite. The claims are presented in U.S. format and there is nothing indefinite about the claims. Applicant respectfully requests that the Examiner specifically point out which limitations are indefinite. Otherwise, Applicant requests that the Examiner withdraw this rejection.

Claims 1-4, 9, 10, 12, 14, 15, 17, 19-20, 21-32 and 34 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura et al. (U.S. 5,960,866) ("Kimura") in view of Kawabata et al. (U.S. 2002/0070005) ("Kawabata").

For applications filed on or after November 29, 1999, this rejection may be overcome by showing that the subject matter of the reference and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. See 35 U.S.C. 103 (c), MPEP 706.02(l)(1) and 706.02(l)(2). As noted in the clear and conspicuous statement below, Application serial number 10/618,057 and U.S. Patent Application publication number U.S. 2002/0070005 were, at the time the invention of Application serial number 10/618,057 was made, subject to an obligation of assignment to The Furukawa Electric Co., Ltd. Therefore, Kawabata is now disqualified as prior art and must not be used in a 35 U.S.C. 103(a) obviousness rejection. Accordingly, the various rejections of claims 1-4, 9, 10, 12, 14, 15, 17, 19-20, 21-32 and 34 under 35 U.S.C. § 103(a) should be withdrawn.

**Statement Concerning Common Ownership**

**Application serial number 10/618,057 and U.S. Patent Application publication number U.S. 2002/0070005 were, at the time the invention of Application serial number 10/618,057 was made, subject to an obligation of assignment to The Furukawa Electric Co., Ltd.**

Claim 18 stands rejected under 35 U.S.C. § 102(e) as being anticipated by Komatsu et al. (U.S. 2003/0005584) ("Komatsu"). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, "[t]he identical invention must be shown in as complete detail as is contained in the \* \* \* claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claim 18 includes the following elements: "a base plate made of a heat conductive material; a plurality of heat dissipating fins which are jointed to one surface of said base plate; and at least one heat pipe which is positioned in a heat-pipe mounting portion, formed on the surface of said base plate to which said heat dissipating fins are jointed, to be jointed onto said base plate." (Emphasis supplied.) Komatsu does not teach or suggest these elements.

Komatsu discloses (see figs 2(a) and 2(d)) a heat sink 6 with fins 18 and a heat pipe 2, and the heat pipe 2 is arranged so as to surround a hole 16. Thus, the heat pipe is not mounted to the same surface side of the base plate on which the fins are mounted. This is clearly illustrated in Figure 2(d). Additionally, Komatsu does not teach or suggest that attaching the heat pipe to the same surface side of the base plate on which the fins are mounted would achieve efficient heat transfer between them.

Thus, for at least the foregoing reasons, Komatsu does not disclose all of the elements of claim 18. Accordingly, Applicant respectfully requests that the rejection be withdrawn.

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone

conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicant's attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

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